

U. S. DEPARTMENT OF AGRICULTURE.

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 4101-4150.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

4101. Misbranding of "Mother Hart's Baby Syrup." U. S. v. Guy H. Boyd (Dale & Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 5907. I. S. No. 9105-e.)

On April 20, 1915, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Guy H. Boyd, trading as Dale & Co., York, Pa., alleging shipment by said defendant, in violation of the Food and Drugs act, as amended, on February 14, 1913, from the State of Pennsylvania into the State of Maryland, of a quantity of "Mother Hart's Baby Syrup" which was misbranded. The article was labeled: "Mother Hart's Baby Syrup A Safe Remedy For The Home. Each Ounce Contains 3 Grains Opium Not Over 10 Per Cent of Alcohol Guaranteed under the Pure Food and Drugs Act of June 30, 1906. Serial No. 6428. Dale & Co. Wholesale Druggists, York, Pa. For The Pet Of The Family For the Relief of Gripping in the Bowels, Wind Colic, Diarrhoea, Difficult Teething, Peevishness, Restlessness, Summer Complaint, Disordered Stomach, and many other complaints of children having the seat of trouble in their bowels. Will prevent Convulsions and Infantum if taken in time. Directions.—Two days old, 2 drops; 1 week old, 6 drops; 1 month old, 10 drops; 6 months old, 20 drops; 1 year old, 30 drops; 2 years old, 40 to 60 drops. A Safe, Sure and Speedy Relief for the Aches and Pains Starting in the little Stomach. 25¢." "Mutter Hart's Kinder Tropfen Dale & Co. Apotheken, York, Pa. Jeder Ounce Hat Dri Grana Opium, Nicht Sair Tsana Per Centa Alcohol. Die Bester Medicin in der Welt fur Kinder. Curire Bauchkrampf und Bauchkneifen, Durchfall un alle Kinterkrankheiten darch das kommen der Zahne verusacht. Es verhuted Kinder Cholera und Convulsionen und Maga Krankheit fur aller art. Gebrauche Anweisung. Fur Kinder: Unter 2 tag, 2 Tropfen; 1 wock, 6 Tropfen; 6 monat, 20 Tropfen; 1 yore, 30 Tropfen; 2 yore, 40 dis 60 Tropfen; wen nothwending den wekler einzugeben."

Alcohol (per cent by volume)-----	9.00
Solids (per cent)-----	39.39
Sucrose (Clerget) (per cent)-----	35.36
Benzoic acid (grams per 100 cc)-----	0.44
Opium (9 per cent morphine) { (a) (grains per ounce)-----	3.66
(b) (grains per ounce)-----	3.69
Tartar emetic: Absent.	

Misbranding of the article was alleged in the information for the reason that the packages thereof bore the following statements regarding the article and the ingredients and substances contained therein, to wit, "A Safe Remedy For The Home," "A Safe, Sure and Speedy Relief for the Aches and Pains Starting in the little Stomach," which said statements were false and misleading in that they falsely represented, and were of such nature as to create in the minds of the purchasers of the article the impression and belief, that the said article contained no harmful ingredients, and that said drug could be administered to children without detriment to their health; whereas, in truth and in fact, said drug contained opium, a powerful narcotic poison, which rendered it an unsafe remedy for the home and an unsafe drug for administration to children. Misbranding was alleged for the further reason that the packages containing the bottles of drug bore statements regarding the therapeutic or curative effects thereof as follows, to wit, "Will prevent Convulsions and Infantum if taken in time," "A Safe, Sure and Speedy Relief for the Aches and Pains Starting in the little Stomach," and "A Safe Remedy For The Home," which said statements were false and fraudulent in that they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that said article was in whole or in part composed of, or contained, ingredients or medicinal agents effective to prevent convulsions and cholera infantum, and that said article was a safe remedy for the home and a safe remedy to be administered to children; whereas, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective to prevent convulsions and cholera infantum; furthermore, said drug was not a safe remedy for the home and a safe remedy for administration to children, but was an unsafe remedy for the home and an unsafe article for administration to children by reason of the fact that it contained opium, a powerful narcotic poison. Misbranding was alleged for the further reason that the packages containing said drug bore on the label thereof the following statements in the German language, "Die Bester Medicin in der Welt fur Kinder. Curire Bauchkrampf und Bauchkneifen, Durchfall un alle Kinterkrankheiten darch das kommen der Zahne verusaht. Es verhuted Kinder Cholera und Convulsionen und Maga Krankheit fur aller art," which said statements, translated [in]to the English language, were, in tenor, as follows, "The best medicine in the world for children. Cures bowel cramps and colicky pains, diarrhea and all children's diseases caused by teething. It will prevent children's cholera, convulsions and stomach troubles of all kinds," which said statements were false and fraudulent in that they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof the impression and belief, that said article was in whole or in part composed of, or contained, ingredients

or medicinal agents effective for the cure of diarrhea and all children's diseases caused by teething, and for the prevention of children's cholera, convulsions, and stomach troubles of all kinds; whereas, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective for the cure of diarrhea and all children's diseases caused by teething, and said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective for the prevention of children's cholera and convulsions and stomach troubles of all kinds.

On May 4, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 4, 1915.*